IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2427 of 2005

Between:

Kavuri Masthan Rao, s/o China Venkaiah,
Vayyakallu Village, Savalyapuram Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur.
2 The Revenue Divisional Officer, Naraswaraopet, Guntur District.
3 The Mandal Revenue Officer, Savalyapuram Mandal, Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ Order or direction declaring the order in A.C.D. Dis No. 48/2004 -S7 , dated 24-1-2005 on the file of the Joint Collector, Guntur, confirming the orders in Rc.No. 885/2004-B dated 8-10-2004 on the file of the R.D.O. Narasaraopet, as illegal, arbitrary and violative of Principles of Natural Justice and pass such other orders as deemed fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.D.KRISHNA MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner as a dealer of the fair price shop was suspended by the 2nd respondent, through his order, dated 08.10.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent along with an application for stay. When no orders have been passed on the application for stay, petitioner approached this Court by filing W.P.No.19481 of 2004. The writ petition was disposed of, on 29.10.2004, directing that till the 1st respondent disposes the appeal, the order of suspension, dated 08.10.2004, shall not be given effect to. Thereafter, the 1st respondent passed an order, dated 24.01.2005, holding that he is not convinced to stay the operation of the order of suspension and instead directed the 2nd respondent to complete the enquiry within a week. Petitioner feels aggrieved by the said order.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Civil Supplies.

From a reading of the order, dated 24.01.2005, passed by the 1st respondent, it is not clear as to whether he has disposed of the appeal itself or the application for stay. The direction contained in discloses that he was not inclined to grant stay,

whereas the nature of discussion undertaken in the order discloses that the appeal itself was disposed of. Be that as it may, it is evident that the 1st respondent has thought it fit to direct the 2nd respondent to conclude the proceedings within one week from the date of receipt of copy of his order. Till today, the 2nd respondent has not issued any show cause notice; much less the petitioner submitted his explanation. In that view of the matter, the direction for concluding the proceedings within one week is almost impossible of compliance.

Learned counsel for the petitioner submits that failure to submit the demand draft for the month of May, 2004, by the petitioner was on account of his ill-health, and the quantity of rice, in respect of which irregularity was pointed out, relates to the year 2002.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing that the 2nd respondent shall issue show cause notice to the petitioner within two weeks from the date of receipt of a copy of this order and conclude the enquiry within four weeks thereafter. In the meanwhile, the petitioner shall be entitled to continue as dealer. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 14.02.2005

Note: Furnish copy

in three days

(B/o)

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To

1 The Joint Collector, Guntur.
2 The Revenue Divisional Officer, Narasaraopet, Guntur District.

3 The Mandal Revenue Officer, Savalyapuram Mandal, Guntur District.

4 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

5 2CD copies.